

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK**

ADVANCED ACCESS CONTENT SYSTEM
LICENSING ADMINISTRATOR, LLC,

Plaintiff,

v.

LANNY SHEN d/b/a DVDFAB AND
FENGTAO SOFTWARE INC., SUNREG
TECHNOLOGIES LTD. d/b/a DVDFAB AND
FENGTAO SOFTWARE INC., FENG TAO
d/b/a DVDFAB AND FENGTAO SOFTWARE
INC., SHEN XINLAN d/b/a AUDIO-DVD
CREATOR, and JOHN DOE, JANE DOE and/or
XYZ COMPANY d/b/a DVDFAB, RIPPERBLU-
RAY.COM, DVDFABB.COM and
DVDFFAB.COM,

Defendants.

NO. 14-cv-1112 (VSB)

**SUPPLEMENTAL DECLARATION
OF MATTHEW HEWLETT IN
OPPOSITION TO DEFENDANT
FENG TAO d/b/a DVDFAB AND
FENGTAO SOFTWARE INC.'s
MOTION TO AMEND
INJUNCTION PURSUANT TO
RULE 59(e) AND PROPOSED
MOTION TO VACATE DEFAULT**

MATTHEW HEWLETT, under penalty of perjury, declares and says:

1. I am a private investigator licensed by the State of North Carolina and employed by Vaudra, Ltd. ("Vaudra"), a North Carolina-based investigation company. I have been employed as a private investigator, focusing on intellectual property infringement for the past ten years. I have been employed by Vaudra since October 2009. I have conducted and/or participated in approximately seven-hundred investigations involving intellectual property violations, including through Internet sales.

2. I submit this declaration on behalf of plaintiff Advanced Access Content System Licensing Administrator, LLC ("AACS LA" or "Plaintiff") in opposition to defendant Feng Tao d/b/a DVDFab and Fengtao Software Inc.'s ("Feng Tao" or "Defendant Feng Tao") motion to

amend the Order for preliminary injunction, entered March 4, 2014 [Doc. No. 21], and proposed motion to vacate the entry of default by the Clerk's Certificate of Default, entered Mar. 18, 2014 [Doc. No. 26].

3. The following actions were undertaken by myself, or in conjunction with other Vaudra investigators. If called upon as a witness, I could testify to the following from personal knowledge and/or a review of Vaudra's business files.

4. At the request of AACS LA, Vaudra investigated defendants Lanny Shen d/b/a DVDFab and Fengtao Software Inc., SunReg Technologies Ltd. d/b/a DVDFab and Fengtao Software Inc., Feng Tao d/b/a DVDFab and Fengtao Software Inc., Shen Xinlan d/b/a Audio-DVD Creator, and John Doe, Jane Doe and/or XYZ Company d/b/a DVDFab, RipperBlu-ray.com, DVDFabb.com and DVDFfab.com's ("Defendants") sales of software products designed to circumvent AACS LA's AACS Technology and continues to investigate the same.

Download and Use of Updated DVDFab Software

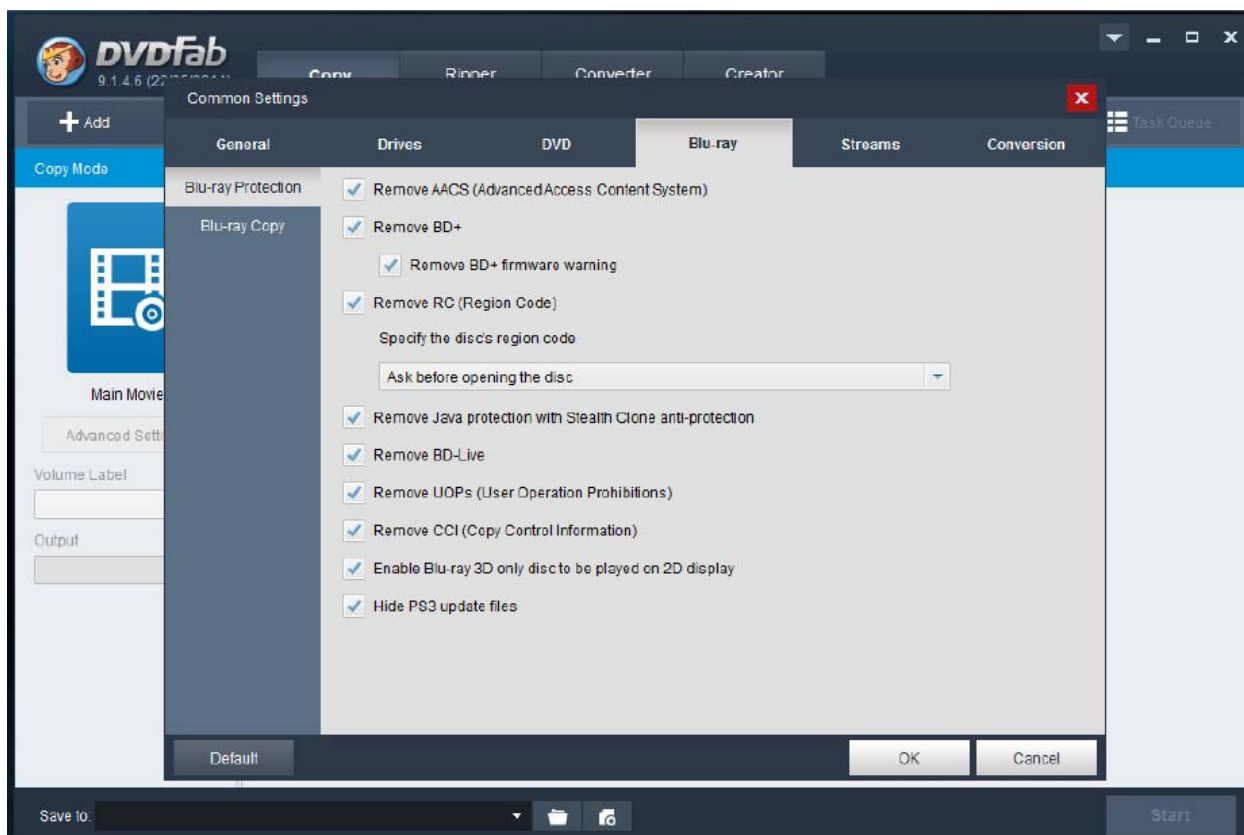
5. From a U.S.-based computer system using a U.S. IP address, we visited DVDFab.cn and downloaded DVDFab version 9.1.4.6 (the "May 22 Updated DVDFab Software"), updated as of May 22, 2014. Screenshots reflecting this download, setup and use of the software are attached hereto as Exhibit A.

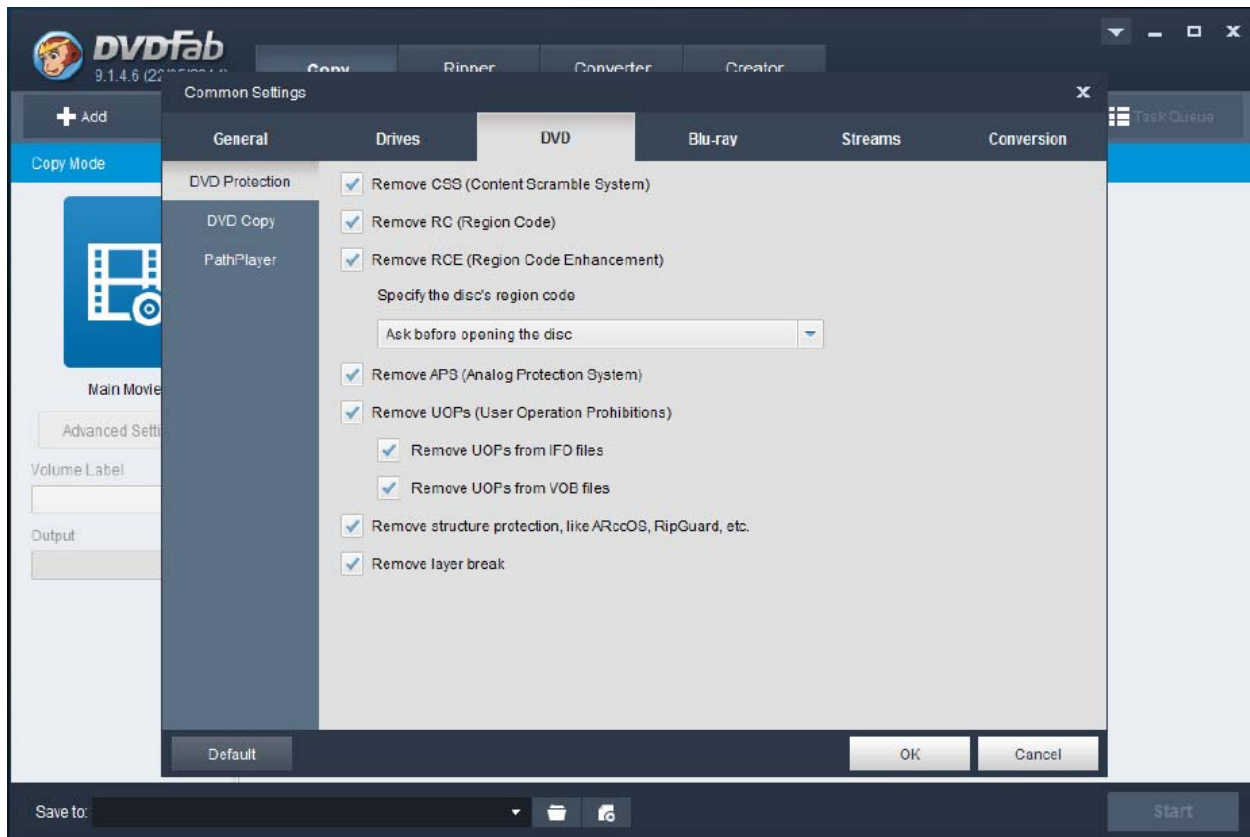
6. As reflected in Exhibit A, while setting up the May 22 Updated DVDFab Software we were prompted in a dialog box to review and accept or not accept a License Agreement also contained in the dialog box, which stated, among other things:

- "3. COPYRIGHT.
The SOFTWARE is protected by United States copyright law and international treaty provisions."
- "8. GOVERNING LAW.
This license will be governed by the laws of the State of South Carolina as they

are applied to agreements between South Carolina residents entered into and to be performed entirely within South Carolina. The United Nations Convention on Contracts for the International Sale of Goods is Specifically disclaimed.”

7. As reflected in Exhibit A, the settings for the May 22 Updated DVDFab Software include settings to “Remove AACCS (Advanced Access Content System),” to “Remove CSS (Content Scramble System)” and to remove a number of other access and content protection features from Blu-ray discs and DVDs, as shown here:





8. As reflected in Exhibit A, we used the May 22 Updated DVDFab Software to “rip”—that is bypass the protection and encryption preventing the access to and copying of and then copy free and clear of any such access and copy protection and encryption—the contents of the Blu-ray discs for the motion picture titles *Man of Steel* and *Oz the Great and Powerful*, purchased from a retail store, copied that content to the hard drive of that computer system and viewed that content using both VLC Media Player and Windows Media Player without use of AACs decoding capabilities, showing that the content was copied free of any AACs access and copy protection and encryption. In order to rip the contents of these Blu-ray discs we were notified by a dialog box that the May 22 DVDFab software needed an Internet connection to continue. We used the May 22 Updated DVDFab Software on a computer connected to the Internet from a U.S. IP address. Based on this testing, it appears that the functionality of DVDFab version 9.1.4.6 is the same for the purpose of “ripping” a Blu-ray as that of the

DVDFab software tested by AACSLA prior to its bringing this action. It additionally appears that in the course of circumventing AACSLA Technological Protection Measures the May 22 Updated DVDFab Software required DVDFab's servers to communicate with our computer system in the United States.

9. We recently visited and viewed a number of websites and YouTube videos that instruct Internet users on ways in which to "crack" the DVDFab software, meaning to activate that software without paying for valid registration keys. Exemplary screenshots of such websites and YouTube videos are attached hereto as Exhibit B.

Evidence of Use of DVDFab Software to Circumvent Technological Protection Measures

10. From a U.S.-based computer system using a U.S. IP address, we visited websites providing links and downloads of "torrent" files that facilitate peer-to-peer file sharing using the popular BitTorrent protocol—and known for their distribution of illegally "ripped" and uploaded copyrighted film, television and video content—and located a number of exemplary pages purporting to offer downloads of such copyrighted content that was ripped by use of some version of DVDFab software. Screenshots of these websites are attached hereto as Exhibit C. In my experience, the vast majority of illegally ripped and uploaded files are not posted with a reference by the uploading user to the software used to rip the content. Thus, it is notable that DVDFab software is mentioned by users when they upload content files ripped using such software.

Weakness of Purported Technical Solution to United States Activities

11. Defendant Feng Tao, in Paragraph 16 of his May 5, 2014 declaration, states that "In compliance with the Injunction, Fengtao Software has discontinued sales of the Accused Products to the United States. Fengtao Software has intentionally programmed its systems to

reject sales from the United States.” In my experience, attempts to block features of a website from access from IP addresses associated with specific geographic locations (“geo-blocking”) are easily circumvented by Internet users making use of publicly-available and even free virtual private network (VPN) servers, proxy servers and other IP address spoofing services and methods. Easy-to-understand instructions for circumventing geo-blocking are widely available on the Internet. Exemplary screenshots of such instructions are attached hereto as Exhibit D.

DVDFAB Admits its Products Circumvent Technological Protection Measures for DVDs

12. A screenshot of the DVDFab DVD Ripper product page from DVDFab.com, taken Feb. 10, 2014, is attached hereto as Exhibit E. Exhibit E reflects the following claims, among others, about this software by DVDFab:

“Rip any DVD

All known DVD copy protections can be removed. Thus, any DVD can be ripped.”

“Rip and convert any DVD”

“Rip Any DVD to Video/Audio in Formats”

13. A screenshot of the DVDFab DVD Ripper product page from DVDFab.cn, taken May 15, 2014, is attached hereto as Exhibit F. Exhibit F reflects the following claims, among others, about this software by DVDFab:

“DVDFab DVD Ripper . . . will rip DVD-Video content from a disc, folder or image file to multiple formats suitable for iPod, iPhone (iPhone 5 and iPhone 5S), iPad (The New iPad), cell phone, ZUNE, NDS, Apple TV and any other playback devices, with high quality and fast conversion speed.”

“Rip any DVD

It has the ability to convert any of your legally purchased DVD movies.”

“Rip and convert any DVD”

“Rip Any DVD to Video/Audio in Formats”

14. A screenshot of the DVDFab DVD Copy product page from DVDFab.com, taken Feb. 10, 2014, located at pages 16-18 of Exhibit A to my declaration of February 19, 2014 [Doc. No. 10-1], reflects the following claims, among others, about this software by DVDFab:

“DVDFab DVD Copy can remove all known DVD copy protections, thus to copy any DVD to hard drive, or to any blank DVD disc . . . Plus DVDFab DVD Copy will be constantly updated to remove latest DVD copy protections to support all DVD movies.”

“See? DVDFab DVD Copy is the answer to all your concerns about DVD backup, copy, burning, clone and decryption.”

“Copy any DVD
Remove all known DVD copy protections to freely copy any DVD.”

15. A screenshot of the DVDFab DVD Copy product page from DVDFab.cn, taken May 15, 2014, is attached hereto as Exhibit G. Exhibit G reflects the following claims, among others, about this software by DVDFab:

“See? DVDFab DVD Copy is the answer to all your concerns about DVD backup, copy, burning, clone and decryption.”

“Copy any DVD
It enables users to freely copy any DVDs.”

16. A screenshot of the DVDFab HD Decrypter product page from DVDFab.com taken Feb. 10, 2014, located at pages 19-21 of Exhibit A to my declaration of February 19, 2014 [Doc. No. 10-1], reflects the following claims, among others, about this software by DVDFab:

“DVDFab HD Decrypter is a cost-free and simplified version of DVDFab DVDCopy and DVDFab Blu-ray Copy which can remove almost all DVD protections except for the latest ones”

“Works as a DVD decrypter and Blu-ray decrypter, DVDFab HD Decrypter is a free Blu-ray and DVD backup tool allows you to decrypt and copy Blu-ray and DVD to blank discs or hard drive.
Remove DVD/Blu-ray protections”

17. On May 23, 2014 we downloaded the current DVDFab 9 User Guide from DVDFab.cn and reviewed it. That current User Guide is attached hereto as Exhibit H. As shown in Exhibit H, the User Guide states at page 33:

“8.3.1 DVD Protection

Remove RC, RCE, APS, UOPs, structure protection:

In order to copy the DVD disc, all these different copy protection systems are to be removed. Sidenote on UOPs (User Operation Prohibitions): A form of use restriction used on video DVD discs and Blu-ray discs. Most DVD players and Blu-ray players prohibit the viewer from performing a large majority of actions during sections of a DVD that are protected or restricted by this feature, and will display the no symbol or a message to that effect if any of these actions are attempted. It is used mainly for copyright notices or warnings, such as an FBI warning in the United States, and ‘protected’ (i.e., ‘unskippable’) commercials.

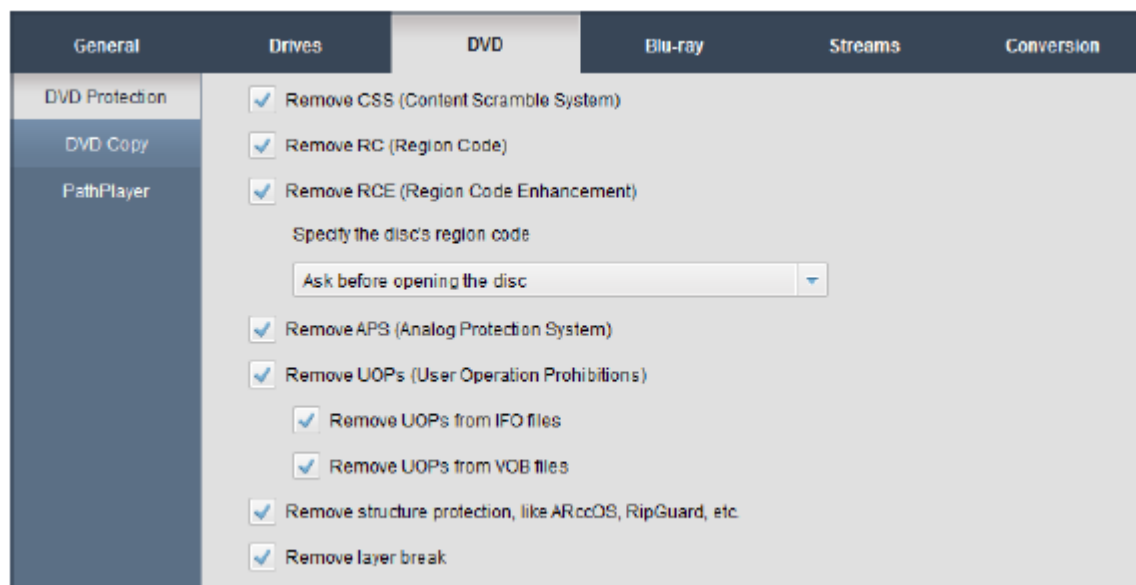
Remove RCE, specify the disc's region code:

To remove the 'RCE - Region Code Enhancement', you will be required to choose the correct region code at a pop-up window. The region code usually can be found on the original DVD package.

Remove layer break:

When compressing a DVD-9 size content to fit on a DVD-5 blank disc in Main Movie, Full Disc, Customize, Customize Split or Merge mode, this option is supposed to be enabled, while DVDFab will ignore this setting and preserve the original layer break when it comes to Clone mode.”

The screenshot of DVDFab software accompanying this text shows that DVDFab has a “Remove CSS (Content Scramble System)” feature among other DVD Protection removal features:



The version of the User Guide attached as Exhibit B to my declaration of February 19, 2014 [Doc. No. 10-2], contains the same text and screenshot (at page 31). As shown in Exhibit H, the User Guide states at pages 35-36:

“8.4.1 Blu-ray Protection

Make sure that ‘Remove AACCS, BD+, RC, BD-Live, UOPs’ options are enabled. The names are different copy protection systems and if you don't remove them - then the Blu-ray DVD will still be copy protected and cannot be copied.

Remove AACCS(Advanced Access Content System):

The Advanced Access Content System (AACCS) is a standard for content distribution and digital rights management, intended to restrict access to and copying of the next generation of optical discs and DVDs. The specification was publicly released in April 2005 and the standard has been adopted as the access restriction scheme for HD DVD and Blu-ray Disc (BD).

Remove BD+/Remove BD+ Firmware Warning:

BD+ is a component of the Blu-ray Disc Digital Rights Management system. It was developed by Cryptography Research Inc. and is based on their Self-Protecting Digital Content concept.

Remove RC (Region Code):

Blu-ray Discs are digitally encoded with a "region code" (A, B, or C, sometimes referred to as 1, 2, or 3), which allows the disc to play only in a Blu-ray player with the same region code.

Remove BD-Live:

Some of BD-Live content are AACCS encrypted, and the backup disc you are watching it without decryption. Remove UOPs(User Operation Prohibitions): Please see above DVD part.”

This text is accompanied by the screenshot of the DVDFab software:



The version of the User Guide attached as Exhibit B to my declaration of February 19, 2014 [Doc. No. 10-2], contains the same text and screenshot (at pages 33-34).

DVDFab.cn Default to English

18. We visited DVDFab.cn using a Chinese IP address and noted that the language of DVDFab.cn defaults to English when accessed from a Chinese IP address. A screenshot showing that the language of DVDFab.cn defaults to English when accessed from a Chinese IP address is attached hereto as Exhibit I.

DVDFab Promotion of Ancillary Software and Intended to Work with Circumvention Software

19. A screenshot of the DVDFab All-in-One product page from DVDFab.cn, taken May 27, 2014, is attached hereto as Exhibit J. Exhibit J reflects the following claims, among others, about this software by DVDFab:

“DVDFab All-In-One includes nearly all DVDFab options in it: DVD Copy, DVD Ripper, Blu-ray Copy, Blu-ray Ripper (3D Plus), Blu-ray to DVD, 2D to 3D Converter, DVD Creator, Blu-ray Creator, Video Converter, and File Transfer. It is the ultimate solution for you to freely copy, rip, convert, burn, clone any DVD/Blu-ray as desired; convert 2D DVD/Blu-ray/video to 3D video; convert video among various

formats with outstanding audiovisual effect, and simply transfer converted files to iPod, Zune, and PSP. All these can be finished with ease, convenience, flexibility in just a few clicks at a super fast speed.”

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 27 day of May 2014 in Charlotte, North Carolina.



Matthew Hewlett